

WORLD PATENT LAW AND PRACTICE

*Patent Statutes, Regulations
and Treaties*

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STATUTES, REGULATIONS & TREATIES

Rectification
of register.

75.—(1) The court may, on the application of any person aggrieved, order the register of patents to be rectified by the making of any entry therein or the variation or deletion of any entry therein.

(2) In proceedings under this section the court may determine any question which it may be necessary or expedient to decide in connection with the rectification of the register.

(3) Notice of any application to the court under this section shall be given in the prescribed manner to the comptroller, who shall be entitled to appear and be heard on the application, and shall appear if so directed by the court.

(4) Any order made by the court under this section shall direct that notice of the order shall be served on the comptroller in the prescribed manner; and the comptroller shall, on the receipt of the notice, rectify the register accordingly.

Power to
correct clerical
errors, etc.

76.—(1) The comptroller may, in accordance with the provisions of this section, correct any clerical error in any patent, any application for a patent or any document filed in pursuance of such an application, or any error in the register of patents.

(2) A correction may be made in pursuance of this section either upon a request in writing made by any person interested and accompanied by the prescribed fee, or without such a request.

(3) Where the comptroller proposes to make any such correction as aforesaid otherwise than in pursuance of a request made under this section, he shall give notice of the proposal to the patentee or the applicant for the patent, as the case may be, and to any other person who appears to him to be concerned, and shall give them an opportunity to be heard before making the correction.

(4) Where a request is made under this section for the correction of any error in a patent or application for a patent or any document filed in pursuance of such an application, and it appears to the comptroller that the correction would materially alter the meaning or scope of the document to which the request relates, and ought not to be made without notice to persons

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affected thereby, he shall require notice of the nature of the proposed correction to be advertised in the prescribed manner.

(5) Within the prescribed time after any such advertisement as aforesaid any person interested may give notice to the comptroller of opposition to the request, and where such notice of opposition is given the comptroller shall give notice thereof to the person by whom the request was made, and shall give to him and to the opponent an opportunity to be heard before he decides the case.

77.—(1) A certificate purporting to be signed by the comptroller and certifying that any entry which he is authorised by or under this Act to make has or has not been made, or that any other thing which he is so authorised to do has or has not been done, shall be *prima facie* evidence of the matters so certified.

Evidence of entries, documents, etc.

(2) A copy of any entry in any register or of any document kept in the Patent Office or of any patent, or an extract from any such register or document, purporting to be certified by the comptroller and to be sealed with the seal of the Patent Office, shall be admitted in evidence without further proof and without production of the original.

78. The comptroller shall, on request made to him in the prescribed manner by any person and on payment of the prescribed fee, furnish the person making the request with such information relating to any patent or application for a patent as may be specified in the request, being information in respect of any such matters as may be prescribed.

Requests for information as to patent or patent application.

79.—(1) An application for a patent, and any specification filed in pursuance thereof, shall not, except with the consent of the applicant, be published by the comptroller or be open to public inspection at any time before the date advertised in the Journal in pursuance of subsection (2) of section thirteen of this Act.

Restriction upon publication of specifications, etc.

(2) The reports of examiners made under this Act shall not be open to public inspection or be published by the comptroller; and such reports shall not be liable to production or inspection in any legal proceeding